

Advisory for Truck Eligibility

Proposition 1B: Goods Movement Emission Reduction Program Heavy-Duty Diesel Truck Equipment Project Eligibility June 13, 2008 - ADVISORY

Purpose

The purpose of this advisory is to provide guidance for local agencies on truck eligibility for the Goods Movement Emission Reduction Program (Program). Staff is providing this document to clarify the existing eligibility requirements listed in Appendices A-B of the *Goods Movement Emission Reduction Program Guidelines for Implementation* (Program Guidelines).

Definition of a Good

The Program Guidelines require that eligible trucks must be: "Class 8 (>33,000 lbs gross vehicle weight rating) heavy-duty diesel trucks used to move goods." "Goods" are defined in this Program by the California Commercial Code §2105.

"§2105(1) "Goods" means all things (including specially manufactured goods) which are movable at the time of identification to the contract for sale other than the money in which the price is to be paid, investment securities (Division 8) and things in action.

"Goods" also includes the unborn young of animals and growing crops and other identified things attached to realty as described in the section on goods to be severed from realty (Section 2107).

(2) Goods must be both existing and identified before any interest in them can pass. Goods which are not both existing and identified are "future" goods. A purported present sale of future goods or of any interest therein operates as a contract to sell.

(3) There may be a sale of a part interest in existing identified goods.

(4) An undivided share in an identified bulk of fungible goods is sufficiently identified to be sold although the quantity of the bulk is not determined. Any agreed proportion of such a bulk or any quantity thereof agreed upon by number, weight or other measure may to the extent of the seller's interest in the bulk be sold to the buyer who then becomes an owner in common.

(5) "Lot" means a parcel or a single article which is the subject matter of a separate sale or delivery, whether or not it is sufficient to perform the contract.

(6) "**Commercial** unit" means such a unit of goods as by **commercial** usage is a single whole for purposes of sale and division of which materially impairs its character or value on the market or in use. A **commercial** unit may be a single article (as a machine) or a set of articles (as a suite of furniture or an assortment of sizes) or a quantity (as a bale, gross, or carload) or any other unit treated in use or in the relevant market as a single whole."

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To help clarify this definition, ARB staff generally focuses on two key elements:

1. A good must be movable
2. The good being moved must be part of a transaction that involves a contract for the sale of the good.

Eligibility Methodology and Example Scenarios

ARB staff developed the following categories to provide guidance to local agencies in determining truck eligibility. Example scenarios are provided for additional clarification, and will be expanded in future updates to this advisory.

Category 1 - Presume “Yes”:

- Contingent on meeting the other eligibility requirements listed in the Program Guidelines, the equipment project as described is presumed to be eligible.

Presume Yes: Example Scenarios	
HDDT Type	Truck Business Role
Variable	Truck used for delivering scrap metal to be shipped oversea.
5th Wheel Tractor	General for-hire operation
5th Wheel Tractor	A supermarket transporting items from its central distribution facility to individual supermarkets
Heavy-Haul Truck	An independent truck used to transport heavy equipment for purchase or sale
Beverage Delivery Truck	A truck used to deliver beverages to retail outlets
Bulk Agricultural Transport Trucks	Trucks used to transport bulk agricultural products (i.e. tomatoes, rice, onions, almonds) from farms to processors for eventual sale to end users
Port Trucks	Trucks used to transport goods to or from ports
Liquid Transport Trucks	Trucks used to transport liquid materials (i.e. milk, spring water, chemicals) from their producer to an end user
Flatbed Trucks	Trucks equipped with a flatbed designed for transporting building materials or other bulky materials for purchase or sale

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Category 2 - Presume “No”:

- The equipment project as described is presumed to be **ineligible** for funding based on the information provided.
- Upon request by the local agency, the equipment owner may provide additional documentation to substantiate the project’s eligibility and the local agency shall consider this evidence in determining eligibility.

Presume “No”: Example Scenarios	
HDDT Type	Truck Business Role
Water Truck	An independent company transporting and spraying water on a construction site
Water Truck	A construction company transporting and spraying water on their own construction project
Dump Truck	An independent company transporting dirt not for purchase or sale to or from a construction site
Dump Truck	A construction company transporting dirt not for purchase or sale to and from its own construction site
Lube/Oil Truck	An off-road equipment company using a lube truck to lubricate and service its off-road equipment in the field
Tow Truck	A truck used to tow heavy trucks unable to move under their own power
Waste Grease Truck	A truck used to pump and transport waste grease from restaurants or grocery stores
Cement Mixer Truck	An independent truck used to transport cement to a construction site
Cement Mixer Truck	A construction company transporting cement to its own construction site
Guniting Truck	Trucks used to transport and inject guniting on construction sites
Heavy-Haul Truck	A company truck used to transport the company’s own heavy equipment to job sites
Moving Truck	A truck used to transport furniture or other household or commercial material not for purchase or sale to a new location

Category 3 - No:

- The equipment project is ineligible.
- The equipment project does not meet the minimum requirements listed in the Program Guidelines.

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Program Guidelines Eligibility Requirements (Excerpt)

The table below details the eligibility requirements found in Appendices A and B of the Goods Movement Emission Reduction Program Guidelines (Program Guidelines). A heavy-duty diesel truck replacement, repower, or retrofit project must meet the eligibility requirements in the table below to be eligible for funding. Additional references for the table below are listed in the footnote.

Eligible Equipment	<p>Class 8 (>33,000 lbs gross vehicle weight rating) heavy-duty diesel trucks used to move goods.</p> <p>Equipment owner must demonstrate:</p> <ul style="list-style-type: none">• Continuous registration (California base-plated or International Registration Plan) in California for the past 2 years.• At least 50 percent operation within trade corridor(s) for the past 2 years.
Ineligible Equipment	<ul style="list-style-type: none">• Trucks subject to ARB's public and utility fleet rule¹.• Trucks subject to ARB's solid waste collection vehicle rule².• Trucks subject to ARB's diesel cargo handling equipment rule³.

Contact Info

If you have any questions regarding equipment eligibility for the Goods Movement Emission Reduction Program, please contact ARB staff via:

Phone: Goods Movement Line at (916) 444-6637

Email: gmbond@arb.ca.gov

¹ *Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Vehicles Owner or Operated by Public Agencies and Utilities* (Code of Regulations, title 13, division 3, Article 4 §2022).

² *Diesel Particulate Matter Control Measure for On-road Heavy-duty Diesel-fueled Residential and Commercial Solid Waste Collection Vehicles* (Code of Regulations, title 13, division 3, Article 4 §2020 and §2021).

³ *Regulation for Mobile Cargo Handling Equipment at Ports and Intermodal Rail Yards* (Code of Regulations, title 13, division 3, chapter 1 §2479).